UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-56</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-56</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02/07/02</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-8, 12-22, 26-36, 40-50 and 54-56 are rejected under 35

U.S.C. 102(e) as being anticipated by **Ellis et al (6,928,653)**.

As to claims 1-2, note the **Ellis** reference figures 2 and 7-12, discloses an

interactive electronic television program guide (EPG) with database configurability and

further disclose a method and a system for implementing an electronic program guide

(EPG), the method/system comprising:

Partitioning (Microprocessor or Control Circuitry 'CC' 54) a data storage area

(Memory 'MM' 50) into a plurality of discrete storage areas (figs.7-12, col.4, lines 18-27,

col.5, line 65-col.6, line 12 and col.7, lines 6-55);

Receiving (STB-28 Receiver) programming information (EPG data) from a

source (Main Facility 'MF' 12 or DF/HE 16, col.4, lines 43-64); and

Storing (MM-50 which is coupled to CC-54 and STB-28 receiver, col.5, lines 25-

42) the received programming information comprising information about individual

programs, in its entirety, in the discrete storage areas, each discrete storage area

storing programming information that is related in accordance with a predefined criterion

(Categories col.5, lines 41-50, line 65-col.6, line 50).

As to claim 3, Ellis further discloses where the EPG data further comprises

tokens (listings levels, descriptions levels, Channels, etc.,) used to describe the

individual programs and a meaning associated with the tokens (col.5, lines 41-50, line

65-col.6, line 50).

As to claim 4, Ellis further discloses where the predefined criterion comprises

temporal relationship between the individual programs in the received program

information and comprises a numeric relationship between token numbers associated

with the tokens (col.6, line 30-60 and col.7, lines 6-20).

As to claim 5, Ellis further discloses where the predefined criterion comprises a

numeric relationship between token numbers associated with the tokens (col.6, line 30-

60 and col.7, lines 6-20).

As to claim 6, Ellis further discloses where a size of each data storage area is

selected to store program information about programs to be broadcast over a define

time interval (col.6, lines 30-50).

As to claims 7 and 8, Ellis further discloses referencing the information stored in

each discrete storage area using a storage area identifier to identify the information

within a storage area and an index of storage area identifiers and where the storage

area identifiers form a pointer chain (col.5, lines 41-50 and line 65-col.6, line 50).

As to claims 12-13, Ellis further discloses determining that specific programming information is required, which comprises checking if a user has input a request for specific programming information, checking whether the programming information stored in the discrete storage areas is incomplete for want of specific programming information and requesting the specific programming information from the source (col.6, lines 13-29 and line 51-col.7, line 55).

As to claims 15-16, the claimed "A system for implementing an electronic program guide..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 17 is met as previously discussed with respect to claim 3.

Claim 18 is met as previously discussed with respect to claim 4.

Claim 19 is met as previously discussed with respect to claim 5.

Claim 20 is met as previously discussed with respect to claim 6.

Claims 21-22 are met as previously discussed with respect to claims 7 and 8.

Claims 26-28 are met as previously discussed with respect to claims 12-14.

As to claims 29-30, the claimed "A system for implementing an electronic program guide..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 31 is met as previously discussed with respect to claim 3.

Claim 32 is met as previously discussed with respect to claim 4.

Claim 33 is met as previously discussed with respect to claim 5.

Claim 34 is met as previously discussed with respect to claim 6.

Claims 35-36 are met as previously discussed with respect to claims 7 and 8.

Claims 40-42 are met as previously discussed with respect to claims 12-14.

As to claims 43-44, the claimed "A system for implementing an electronic

program guide..." is composed of the same structural elements that were discussed with

respect to the rejection of claim 1.

Claim 45 is met as previously discussed with respect to claim 3.

Claim 46 is met as previously discussed with respect to claim 4.

Claim 47 is met as previously discussed with respect to claim 5.

Claim 48 is met as previously discussed with respect to claim 6.

Claims 49-50 are met as previously discussed with respect to claims 7 and 8.

Claims 54-56 are met as previously discussed with respect to claims 12-14.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 9-11, 23-25, 37-39 and 51-53 are rejected under 35 U.S.C. 103(a)

as being unpatentable over **Ellis et al (6,928,653)** as applied to claims 7, 21, 36 and 50

above and further in view of **Emma et al (5,155,831)**

As to claims 9-11, 23-25, 37-39 and 51-53, Ellis further discloses memory

management by discarding listings and descriptions no longer required or relevant, by

checking if the programming information is current or not to create storage area for

storing new information (col.6, line 1-col.7, line 1+), but fails to explicitly teach where the discrete storage area which stores programming no longer required is reference by an empty identifier to indicate that the discrete storage area is available for storing new information.

However, note the **Emma** reference figures 1-3, discloses data processing system with fast queue store interposed between store-through caches and main memory and further discloses making room for new entries by reference an empty identifier to oldest or least recently data to be removed (abstract, col.3, line 60-col.4, line 17, col.5, line 23-col.6, line 31 and col.7, lines 18-38).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Emma into the system of Ellis in order to update the memory in a fast and efficient manner.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kang et al (6,741,994) disclose method and automatic organization of data.

Lieu et al (2002/0152126) disclose tokens-based system for providing information to users.
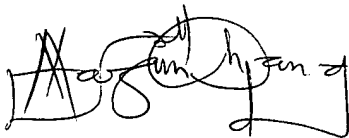
Lanus et al (6,374,340) discloses method of managing memory for a PCI bus.

Yoshizawa et al (5,579,508) disclose main memory managing method and apparatus in which main memory is partitioned into three distinct areas.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

Annan Q. Shang